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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,622	06/27/2003	Rajasekhar Venkat Meda	Meda 2	8034
46368	7590	03/07/2006	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 W MAPLE RD SUITE 350 BIRMINGHAM, MI 48009			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,622

Applicant(s)

MEDA, RAJASEKHAR VENKAT

Examiner

Willie J. Daniel, Jr.

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 13 January 2006. **Claims 1-14** are now pending in the present application. This office action is made **Final**.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Balachandran** (US 6,006,085) in view of **Blom** (US 2002/0026361 A1).

Regarding **claim 1**, Balachandran discloses a method of communicating in a wireless communication system having a plurality of mobiles (see col. 3, lines 34-56), the method comprising the step of:

designating marketing and/or advertisement information based on information stored in a database (see col. 4, lines 21-40, 53-67); and

transmitting the marketing and/or advertising information (see col. 3, lines 57-67; col. 4, lines 1-21). Balachandran fails to disclose having the feature and associated with goods and services provided by entities having an agreement with the wireless communication system. However, the examiner maintains that the feature and associated with goods and services provided by entities having an agreement with the wireless communication system was well known in the art, as taught by Blom.

In the same field of endeavor, Blom discloses the feature and associated with goods and services provided by entities (e.g., advertiser) having an agreement (e.g., contract) with the wireless communication system (120) (see [0018]), where the advertiser has a contract with the mobile ISP to provide advertisements to the mobile stations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Balachandran and Blom to have the feature and associated with goods and services provided by entities having an agreement with the wireless communication system, in order to provide a location based advertisement system for mobile users, as taught by Blom (see [0006]).

Regarding **claim 2**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses the method of claim 1 where the step of transmitting marketing and/or advertising information comprises:

determining whether a received identification number is stored in a VLR (see col. 4, lines 52-67); and

designating a mobile based on a history of the mobile's identification number stored in a VLR database (see col. 4, lines 52-67; col. 6, lines 1-12).

Regarding **claim 3**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses the method of claim 1 where the system designates marketing and/or advertising information for a mobile based on the mobile's current location (see col. 4, lines 21-40).

Regarding **claim 4**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses the method of claim 1 where the marketing and/or advertising information is transmitted over a signaling channel of the communication system (see col. 4, lines 21-40).

Regarding **claim 5**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses the method of claim 1 where the marketing and/or advertisement information is arranged in a format and transmitted as per a protocol being followed by the communication system (see col. 4, lines 40-67; col. 5, lines 1-15).

Regarding **claim 6**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses the method of claim 1 where the transmission of the marketing and/or advertising information is postponed until a mobile whose identification number located in an HLR of VLR was use to designate the marketing and/or advertising information is in idle mode (see col. 4, lines 40-64).

Regarding **claim 7**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses the method of claim 1 where the transmitted marketing and/or advertisement information is based on information stored in a VLR and one or more databases in communication with the system (see col. 4, lines 52-67; col. 5, lines 1-15).

Regarding **claim 8**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 1), in addition Balachandran further discloses

the method of claim 1 where at least one of the mobiles is a cellular phone or a wireless computer (see col. 3, lines 57-67; col. 4, lines 1-40; 52-67; col. 5, lines 1-15).

Regarding **claim 9**, Balachandran discloses a method of communicating in a wireless communication system (see col. 3, lines 34-56), the method comprising the step of:

transmitting an identification number (see col. 4, lines 21-40, 53-67); and

receiving marketing and/or advertising information as designated by the identification number (see col. 3, lines 57-67; col. 4, lines 1-21). Balachandran fails to disclose having the feature where the marketing and/or advertising information is associated with goods and services provided by entities having an agreement with the wireless communication system. However, the examiner maintains that the feature where the marketing and/or advertising information is associated with goods and services provided by entities having an agreement with the wireless communication system was well known in the art, as taught by Blom.

Blom further discloses the feature where the marketing and/or advertising information is associated with goods and services provided by entities (e.g., advertiser) having an agreement (e.g., contract) with the wireless communication system (120) (see [0018]), where the advertiser has a contract with the mobile ISP to provide advertisements to the mobile stations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Balachandran and Blom to have the feature where the marketing and/or advertising information is associated with goods and services provided by entities having an agreement with the wireless communication system,

in order to provide a location based advertisement system for mobile users, as taught by Blom (see [0006]).

Regarding **claim 10**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 9), in addition Balachandran further discloses the method of claim 9 where the system designates marketing and/or advertising information based for a mobile of the communication system based on the mobile's current location (see col. 4, lines 21-40).

Regarding **claim 11**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 9), in addition Balachandran further discloses the method of claim 9 where the marketing and/or advertising information is arranged in a format and transmitted as per a protocol being followed by the communication system (see col. 4, lines 40-67; col. 5, lines 1-15).

Regarding **claim 12**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 9), in addition Balachandran further discloses the method of claim 9 where the reception of the marketing and/or advertising information is postponed until a mobile whose identification number located in a VLR was used to designated the marketing and/or advertising information is in idle mode (see col. 4, lines 40-64).

Regarding **claim 13**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 9), in addition Balachandran further discloses the method of claim 9 where the transmitted marketing and/or advertising information is based

on information stored in a VLR and one or more databases in communication with the system (see col. 4, lines 52-67; col. 5, lines 1-15).

Regarding **claim 14**, the combination of Balachandran and Blom discloses every limitation claimed, as applied above (see claim 9), in addition Balachandran further discloses the method of claim 9 where the marketing and/or advertising information is transmitted by a cellular phone or a wireless computer (see col. 3, lines 57-67; col. 4, lines 1-40; 52-67; col. 5, lines 1-15).

Response to Arguments

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.
4. **Claim 13** is objected to because of the following informalities:
 - a. **Claim 13** recites "...9 were the..." in line 1 of the claim. The Examiner interprets as "...9 where the..."

Appropriate correction is required.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
02 March 2006

Marsha D Banks-Harold
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